

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-1030 CRB

Plaintiff,

**ORDER**

v.

DERON CHEEVES, and  
REGINALD ELMORE

Defendants.

In light of the expedited testing discussed at today's hearing, the Court today signed the Government's proposed order authorizing the acquisition of a buccal swab of Defendant Elmore. The Court signed the order with the understanding that, as discussed at the March 24 hearing, Defendant Elmore retains the right to challenge the Government's evidence of probable cause to support the search. If such a challenge is successful, the evidence obtained through the re-swabbing can be excluded from trial.

**IT IS SO ORDERED.**

Dated: March 31, 2010



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE